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Express Mail No. EV452777017US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicants:	Thomas N. Troxell et al.	Confirmation No.:	4488
Application No.:	10/801,883	Art Unit:	3733
Filed:	March 15, 2004	Examiner:	John Kim
For:	TRANSCONNECTOR FOR COUPLING SPINAL RODS	Attorney Docket:	8932-924-999

Mail Stop AMENDMENT
 Hon. Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

FEE TRANSMITTAL SHEET

Sir:

Transmitted herewith is a [X] a Reply To Office Action and [X] a Terminal Disclaimer to be filed in the above-identified application.

[X] A fee for additional claims is required as shown below. Please charge the required fee to Jones Day Deposit Account No. 50-3013.

(Col. 1)		(Col. 2)		(Col. 3)		<input type="checkbox"/> SMALL ENTITY	<input checked="" type="checkbox"/> OTHER THAN A SMALL ENTITY		
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID		PRESENT EXTRA	RATE	ADD'L FEE	OR	RATE	ADD'L FEE
TOTAL	93	MINUS	96	0	x 25 \$			x 50 \$	0.00
INDEP.	6	MINUS	3	3	x 100 \$			x 200 \$	600.00
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM						\$		\$	0.00
TOTAL						\$	OR	TOTAL	\$ 600.00

[X] Please charge **\$130.00** to Jones Day Deposit Account No. 50-3013 in payment of the statutory disclaimer filing fee specified in 37 C.F.R. § 1.20(d).

[X] Please charge payment of any additional fees required in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to Deposit Account No. 50-3013. A duplicate copy of this transmittal letter is transmitted herewith.

Date: March 28, 2006

Respectfully submitted,

Garry J. Tuma (Reg. No. 40,210)
 Attorney for Applicants

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TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(b,c)

Sir:

SYNTHES (USA), a partnership of the State of Pennsylvania, having a place of business at 1302 Wrights Lane East, West Chester, Pennsylvania 19380, represents that it is the assignee of record of the entire, right, title and interest, by assignment, of the following issued United States patents and pending United States patent application:

1. U.S. Patent No. 6,283,967 for "TRANSCONNECTOR FOR COUPLING SPINAL RODS," issued September 4, 2001 on Application No. 09/466,725, filed December 17, 1999. An assignment of the '725 application by the inventors, Thomas N. Troxell, G. Kris Kumar, Barclay R. Davis, and Thomas J. Runco, to SYNTHES (USA) was recorded on March 9, 2000 at Reel 10621, Frames 397-400.

2. U.S. Patent No. 6,736,817 for "TRANSCONNECTOR FOR COUPLING SPINAL RODS," issued May 18, 2004 on Application No. 09/927,350, filed August 13, 2001 as a continuation of Application No. 09/466,725, filed December 17, 1999. The assignment of the '725 application is effective for the '350 application as a continuation and was recorded against the '350 application on October 28, 2003 at Reel 14639, Frames 328-331.

3. Application No. 10/801,883 for "TRANSCONNECTOR FOR COUPLING SPINAL RODS," filed March 15, 2004 as a continuation of Application No. 09/927,350, filed August 13, 2001. The assignment of the '725 application above is also effective for the '883 application as a continuation.

The undersigned, on behalf of SYNTHES (U.S.A.), hereby disclaims the terminal portion of the term of any patent to be issued on the present application, Application No. 10/801,883, that would extend beyond the earliest expiration date of the full statutory term^{*} of the '967 patent and the '817 patent.

The undersigned, on behalf of SYNTHES (USA), agrees that any patent to be issued on the present Application No. 10/801,883 shall be enforceable only for and during such period as the legal title to such patent shall be the same as the legal title to the '967 patent and the '817 patent, this agreement to run with any patent to be issued on Application No. 10/801,883 and to be binding upon the grantee of such patent and its successors and assigns.

The undersigned, on behalf of SYNTHES (USA), does not disclaim any terminal part of the term of any patent to be issued on the present Application No. 10/801,883 that would

^{*} It is applicants' and assignee's intention that if any change in the patent statutes extends the term of the patent with the earliest expiration date, then the date beyond which the term of any patent to issue on this application is disclaimed shall change to the expiration date of the patent then having the earliest expiration date.


extend to the earliest expiration date of the full statutory term* of the '967 and the '817 patents in the event that one or both of the '967 and the '817 patents: (a) expires for failure to pay a maintenance fee, (b) is held unenforceable, (c) is found invalid, (d) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a or b), (e) has all claims canceled by a reexamination certificate, or (f) is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

The undersigned hereby states and certifies that:

1. He is an attorney of record in the above-identified patent application and is authorized to act on behalf of assignee in connection with said application; and
2. The relevant evidentiary documents have been reviewed and, to the best of the undersigned's and assignee's knowledge and belief, title to the above-identified application, Application No. 10/801,883, is in assignee.

Date: March 28, 2006

SYNTHES (USA)



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